

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
BUREAU OF HUMAN SERVICES LICENSING
Child Residential and Day Treatment Facilities (55 Pa.Code Chapter 3800)

Q/A - Regulatory Clarifications – October 2014

The clarifications and interpretations below will remain on the Department's web site until the information is included in the next updated Regulatory Compliance Guide (RCG).

Regulation: § 3800 – General Regulatory Question

This is a general question regarding the child residential and day treatment regulations.

Question: In general, there are many regulations that pertain to items which must be completed upon admission. Often times, residents of one facility are transferred to another facility operated by the same legal entity. For example, if a child is placed in a facility on 1/1/14, then moved to another facility on the same campus on 2/15/14, would the facility need to give the child and the child's parents another copy of the child's rights, grievance procedures, etc. as described in § 3800.31?

ANSWER: If a child is placed into a facility and then moved to another facility on the same campus, the facility shall complete all paperwork requirements as defined by the regulations except for: child rights as it pertains to § 3800.31(a) and (c), as well as consent to treatment as defined at § 3800.19(b)(1).

The following information in the current drafted RCG will be redacted in the future: *If a child is transferring to a facility from another facility that is operated by the same legal entity, a new health and safety assessment is not required, as long as the medical personnel described in § 3800.141(b) reviews the most recent health and safety assessment to ensure it is still accurate. The medical personnel should sign and date the health and safety assessment after review.*

Regulation: § 3800.123 – Evacuation Procedures

There shall be written emergency evacuation procedures that include staff responsibilities, means of transportation and emergency location.

Question: Should a facility's Evacuation Procedures address a plan for evacuation if the facility is located within 10 miles of a nuclear power plant?

ANSWER: Yes. If a facility is located within 10 miles of a nuclear power plant, the facility must include in its Emergency Preparedness plan a plan to evacuate to a location at least 10 miles from the power plant should an evacuation be ordered by emergency management officials during the child residential and day treatment facility's hours of operation.

Regulation: § 3800.181(f) – Storage of Medications

(f) Discontinued and expired medications, and prescription medications for children who are no longer served at the facility, shall be disposed of in a safe manner.

Question: Does BHSL have any guidance to offer relating to the Drug Enforcement Administration's (DEA) final rule regarding the disposal of pharmaceutical controlled substances in accordance with the Controlled Substance Act, as amended by the Secure and Responsible Drug Disposal Act of 2010 ("Disposal Act")?

ANSWER: The DEA's Disposal Act amended the Controlled Substances Act to allow ultimate users to deliver unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner. The goal of the Disposal Act is to encourage public and private entities to develop a variety of methods of collection and disposal in a secure, convenient, and responsible manner. The Act permits long term care facilities including child residential facilities to dispose of a current or former resident's pharmaceutical controlled substances. The Act provides additional options for disposal and does not prohibit any methods currently used by long term care facilities that are consistent with Federal, State, tribal, and local laws and regulations. For example, long term care facilities are not prohibited from destroying patients' unwanted pharmaceutical controlled substances at the long term care facility, on behalf of the resident

patients, in accordance with applicable Federal, State, tribal, and local laws and regulations, including environmental laws and regulations.

The child residential and day treatment facility regulation at § 3800.181(f) already acknowledges that discontinued or expired prescription medications are to be destroyed in a safe manner. The DEA's new final rule provides additional options for disposal and does not likely change the medication disposal methods which child residential and day treatment facilities have already been practicing under the 3800 regulations. Current acceptable medication disposal methods include:

- Adding a small amount of water to a solid drug, or some absorbent material such as cat litter, sawdust or flour to liquid drugs to discourage any unintended use of the drug.
- Double seal the container in another container or heavy bag to prevent easy identification of the drug container or to prevent a glass container from breaking.
- Any written disposal instructions by a pharmacist.

For more detailed information about additional options for safe medication disposal under the DEA's Disposal Act, see the web site here: <https://www.federalregister.gov/articles/2014/09/09/2014-20926/disposal-of-controlled-substances>

The DEA also has a helpful document on its web site called "Disposal Act – Long Term Care Facility Fact Sheet," which can be found here: http://www.deadiversion.usdoj.gov/drug_disposal/fact_sheets/disposal_ltcf.pdf